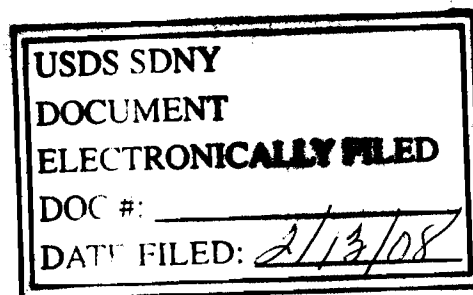


THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
 100 CHURCH STREET  
 NEW YORK, NY 10007

MICHAEL A. CARDOZO  
 Corporation Counsel



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February 11, 2008

**BY FAX**

Honorable John G. Koeltl  
 United States District Judge  
 United States Courthouse  
 Southern District of New York  
 500 Pearl Street, Room 1030  
 New York, New York 10007

*Application granted.  
 The parties should submit  
 a revised scheduling order  
 by February 19, 2008.  
 So ordered.  
 2/11/08 [Signature]  
 U.S.D.S.*

Re: Smallwood v. City of New York, et al.  
 07 Civ. 5711 (JGK)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendants City of New York and David Wenzel in this matter. Defendants write to respectfully request a forty-five day enlargement of time, until April 14, 2008, for the parties' to conduct depositions and complete fact discovery in this matter.<sup>1</sup> Plaintiff's counsel consents to this request.

The undersigned was only assigned this case in January and has only recently been able to fully review the case file, including all discovery conducted thus far. Discovery is scheduled to close on February 29, 2008. However, defendants have noticed the plaintiff's deposition and after conferring with plaintiff's counsel regarding depositions we believe the parties can be deposed within the next forty days.

Defendants served plaintiff with disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure on or about September 27, 2007. However, plaintiff has not served

<sup>1</sup> By letter dated January 28, 2008, this office requested an enlargement of time to answer the complaint on behalf of defendant Wenzel. Although our documents indicated differently, it appears that defendant Wenzel answered the complaint on or about September 10, 2007. In light of this, defendants respectfully withdraw our January 28<sup>th</sup> letter application, and will not be submitting an answer.

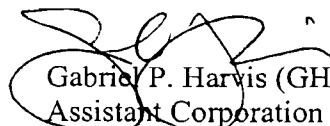
defendants with Initial Disclosures. Today, defendants served their discovery demand and the responses thereto should be served upon us within thirty days pursuant to the Federal Rules.

We would respectfully request that the Court extend discovery until April 14, 2008, to allow for any scheduling problems or the need to extend one of these depositions and so that plaintiff can respond to our discovery demands. Additionally, the enlargement of time will allow the parties an opportunity to pursue settlement negotiations in an effort to resolve the matter.

No previous requests for enlargement of time to complete fact discovery has been made. The requested enlargement will not affect any presently scheduled conferences or other deadlines. In light of the foregoing, defendants respectfully request that the Court grant a forty-five day enlargement of time, until April 14, 2008, for the parties' to conduct depositions and complete fact discovery in this matter, and such other relief as Your Honor deems just and proper.

Thank you for your consideration of this request.

Respectfully submitted,

  
Gabriel P. Harvis (GH2772)  
Assistant Corporation Counsel

cc: Rose Weber, Esq. (by fax)